

## REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested.

Claims 1-9, 13-15 and 19-24 are pending. Claims 1-5, 7-9, 13-15, 19-20 and 22-24 were rejected in the current Action under 35 U.S.C. 103(a) as purportedly obvious over Burger et al (U.S. Patent No. 6,965,969) and Chudnovsky et al. (U.S. Patent No. 6,381,669). Claims 6 and 21 were rejected in the current Action under 35 U.S.C. 103(a) as purportedly obvious over Burger et al. (U.S. Patent No. 6,965,969), Chudnovsky et al. (U.S. Patent No. 6,381,669) and Rowlands et al. (U.S. Patent No. 6,748,492). Applicants most respectfully traverse these rejections.

Applicants respectfully submit that Claims 1-9, 13-15 and 19-24 of the present Applicant are patentable over the applied references. However, Applicants have elected not to address the technical aspects of patentability of these claims and instead respectfully notes that at least the primary reference, *Burger*, does not qualify as prior art and, therefore, no *prima facie* rejection has been made. By making this observation, Applicants do not admit the accuracy of the Examiner's remarks or reasoning, or acquiesce in any way to the reasoning underlying the rejection.

Specifically, the present Application (Serial No. 10/690,137) is a continuation of parent application Serial No. 09/651,948, filed on August 31, 2000, and now granted as U.S. Patent No. 6,671,822. As a continuation, the

present Application is entitled to claim the benefit of the filing date of its parent application, namely August 31, 2000. On the other hand, *Burger* was granted the issue date of November 15, 2005, was purportedly filed October 8, 2004 based off of a continuation of a PCT application (US03/10621) filed April 8, 2003 which was published as WO 03/088048 A1 on October 23, 2003, which in turn claimed priority under U.S. Provisional Application No. 60/370,680 filed April 8, 2002 – all of which occurred at least a year and a half after the filing date of the parent of the present continuation Application. As such, *Burger* is not prior art, because it is not prior. Moreover, Applicants reserve the right to swear behind the remaining references should the need arise. Thus, Claims 1-9, 13-15 and 19-24 are allowable in view of the cited references, and these rejections should be withdrawn.

In view of the above remarks, Applicants respectfully request reconsideration and indication of allowance of all pending claims, namely Claims 1-9, 13-15 and 19-24.

No fees, in addition to those noted on the accompanying transmittal documents, are believed to be due in connection with this Amendment. If, however, any additional fee is believed to be due, you are hereby authorized to

charge any such fee to Hewlett-Packard Company's Deposit Account No. 08-2025.

Respectfully submitted,

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